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LEUPOLD & STEVENS, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARY LIVINGSTON,
Plaintiff,

vs.

LEUPOLD & STEVENS, INC., an
Oregon Corporation doing business in
California, and Does 1 through 25,
inclusive,
Defendants.

Case No.: 2:23-CV-00090-KJM-DMC
**STIPULATION TO MODIFY
SCHEDULING ORDER; ORDER**

Pursuant to the Court's Scheduling Order [Dkt. No.13] and Local Rule 143,
the parties stipulate and propose to the Court that the Scheduling Order entered on
July 14, 2023 (Dkt. No. 13) be amended

WHEREAS, on July 14, 2023, this Court issued a Scheduling Order in this
matter setting the following discovery and motion deadlines:

Expert Witness designations: 12/11/23

Rebuttal Expert Witness Designation: 01/08/24

Expert Discovery Motion heard no later than: 03/29/24

All non-expert Discovery Completed and all Motions heard by: 02/12/24;

All dispositive motions heard by: 05/29/24;

Settlement Conference set for 4/17/2024 at 10:00 AM in Redding (DMC)

before Magistrate Judge Dennis M. Cota

WHEREAS, “The district court is given broad discretion in supervising the pretrial phase of litigation.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting *Johnson*, 975 F.2d at 607).

WHEREAS, in light of the pending settlement conference date, the parties believe that an additional four (4) month extension on the discovery/motion deadlines is reasonable and necessary.

The proposed extension will interfere with the other deadlines set by this court, including the Settlement Conference Date, currently set for April 17, 2024;

ACCORDINGLY, IT IS HEREBY STIPULATED and REQUESTED by the parties that the Scheduling Order [Dkt. No. 13] be modified as follows:

Expert Disclosures: April 15, 2024

Rebuttal Expert Disclosures: May 13, 2024

Expert Discovery Completed and all Motions heard by: July 29, 2024

All non-expert Discovery Completed and all Motions heard by: June 10, 2024

All Dispositive Motions heard by: September 30, 2024

Settlement Conference: June 19, 2024

Good cause exists for this extension. The parties are cooperating with discovery and attempting to schedule the medical examination of the Plaintiff for her

1 claimed injuries as well as a joint inspection of the scope used by the Plaintiff which
2 allegedly caused her injuries.

3 The parties have agreed to mediate this matter in advance of the proposed
4 settlement conference and once the joint inspection and independent medical
5 examination are performed.

6
7 DATED: December 5, 2023

LAW OFFICES OF RICHARD E.
BISHOP

8
9 /s/ Joseph P. Tabrisky

10 _____
11 Joseph P. Tabrisky, Esq.
12 Attorneys for Defendant, LEUPOLD &
13 STEVENS, INC.

14 DATED: December 5, 2023

LANDSEM LAW OFFICES

15 /s/ Micahel A. Landsem

16 _____
17 Michael Landsem, II
18 Attorneys for PLAINTIFF,
19 MARY LIVINGSTON
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1 IT IS SO ORDERED. Pursuant to the parties' stipulation, the schedule for this
2 case is extended as follows:

- 3 - Expert Disclosures: April 15, 2024
- 4 - Rebuttal Expert Disclosures: May 13, 2024
- 5 - Expert Discovery Completed and all Motions heard by: July 29, 2024
- 6 - All non-expert Discovery Completed and all Motions heard by: June 10,
7 2024
- 8 - All Dispositive Motions heard by: September 30, 2024
- 9 - Settlement Conference: June 19, 2024, at 10:00 a.m.

10 All other dates shall remain as set in this court's Scheduling Order [Dkt. No.
11 13]

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13 Dated: December 5, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

FEDERAL COURT PROOF OF SERVICE

I am over the age of 18 years of age and not a party to this action. I am employed in the office of a member of the bar of this Court at whose direction the service was made. My business address is 222 South Harbor Boulevard, Suite 900, Anaheim, California 92805. My electronic service address is jsteinebrenner@intactinsurance.com.

On December 5, 2023, I served the following document:

STIPULATION AND ORDER TO MODIFY SCHEDULING ORDER

on the person or persons below as follows:

Michael Landsem, II, Esq.
LANDSEM LAW OFFICE
1145 Hilltop Drive, Ste. D2
Redding, CA 96003

Attorneys for Plaintiff Mary Livingston
Telephone: (530) 605-3744
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I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system. In addition, I caused such document(s) to be Electronically Mailed through the Law Offices of Richard E. Bishop's electronic mail system for the above-entitled case. Should your office require a hard copy of said document, please contact our office. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 5, 2023, at Anaheim, California.

Jeanne Steinebrenner
(Type or print name)

/s/ Jeanne Steinebrunner
(Signature)